



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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*lib oversight
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March 18, 1992

Robert H. Hagen, Director
Albuquerque Field Office
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S.W.
Albuquerque, New Mexico 87102

Bob
Dear Mr. Hagen:

Re: Annual Evaluation Report (1991), Utah

I am providing comments on the 1991 Oversight Report, per your letter of February 20, 1992. Although I appreciate editorial changes in earlier drafts of this report, I feel that there are statements made in the report that still do not accurately reflect Utah Coal Regulatory Program activities.

Please append these comments to the final report, and any summaries of that oversight report data. Page and paragraph reference the February 20, 1992, final draft report.

Page 2, paragraph 6, Haul Roads Note all three roads that are the subject of federal enforcement action were permitted by OSM in the original permitting phase. There are no federal regulations that form the basis for the issuance of the federal NOV's. OSM had meanwhile failed to issue a determination on Utah's proposed program amendment regarding roads. Issuance of the federal NOV's preempted Utah's authority to enforce its program.

Page 4, paragraph 4, Revisions Attendant to Ten-Day Notices
I have asked you to present documentation for the assertion that revision processing attendant to TDN/TDLs is untimely. You have never presented a factual basis for this statement. I do not agree that it is true, and I question the propriety of this statement in the report.

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Page 6, paragraph 2, Protection of Surface Water The statement with respect to the 1990 evaluation leaves the reader with the impression that the Utah Program did not require surface water protection. In the oil and grease instance cited, Utah issued enforcement actions, and the fact of these violations was overturned on appeal. Your 1991 evaluation report appropriately credits the resolution of the issue. I question the need for the allegation that Utah did not enforce surface water protection in 1990, in the light of enforcement action documentation.

Page 6, paragraph 4, Violations See Enforcement, page 4 of this letter.

Page 8, paragraph 2, AVS OSM's allegation that the AVS database was improperly maintained during the evaluation year is unfounded in the light of Utah's repeated contacts with the Washington AVS system while attempting to rectify problems with the system. Secondly, the allegation that the data base was not complete and accurate by year end is inappropriate in the light of nationwide acknowledgement of AVS accuracy problems. Utah adhered to the 1991 AVS MOU requirements. OSM is evaluating the Utah AVS Program against an arbitrary standard.

Page 8, paragraph 3, Methods for Authorizing Permit Renewals OSM ignores the fact that permit modification and onsite compliance are dynamic processes; permits are constantly upgraded and modified. Changes in permits are the result of materials submitted at renewal time, and as a result of the routine permit reviews conducted as a function of the compliance inspection process.

There are a number of procedures required as part of a permit renewal:

- a. Application for permit renewal at least 120 days prior to expiration of the existing permit term.
- b. Application in the form required by the Division.
- c. Review of adequacy of liability insurance.
- d. Evidence of adequacy of performance bond.
- e. Evidence of proper newspaper notice and proof of publication.

- f. Inclusion of any updated information required by the Division.
- g. Application subject to the requirements of public notification and participation.
- h. Inclusion of changes to previously approved permits subject to the requirements of the regulations dealing with characterization and approval of permit changes.
- i. Clearance under the 510(c) review.

A valid existing permit carries a right of successive renewal within the boundaries of the existing permit, upon expiration of the term of the permit, given satisfaction of conditions (a) through (i), above. OSM's comments ignore federal and Utah regulations granting a right of successive renewal.

A review of Utah's permit renewal efforts substantiates:

- 1. Operator's who failed to submit renewal applications within the 120-day time frame were subject to enforcement action for hindering the renewal effort. Permit renewals were accomplished prior to the expiration date of the existing permit term. When public commentators objected to permit renewal and modification, the renewal was properly suspended pending the hearing and appeal processes regarding the objections.
- 2. When a permit renewal was found to be incomplete or when a permit defect existed, Utah issued a Division Order requiring the changes be made within a specific time period. This action is no different than approving a permit with stipulations, something that both OSM and Utah have done with impunity for years. In fact, OSM and DOGM have agreed that the Division Order action is preferable to a stipulated permit. In many instances, Utah is requiring upgrading of permits that were issued by OSM, but were not complete at the time of original issuance. Utah is not disregarding completeness issues, as the report suggests.
- 3. Proper newspaper publication, including consideration of public comments, continues to be an integral part of Utah's permit review process. In fact, operator's were

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subjected to enforcement action for failing to publish according to the regulations during the subject evaluation year.

Rather than quibbling over terminology, it might be more appropriate for OSM to appraise the process outlined above, acknowledge the dynamic nature of permitting, and evaluate the methodologies that the Utah Program follows at permit renewal time to ensure permits are updated, bonds amounts evaluated as a function of permit changes, and how public comments are considered in the process.

Page 9, paragraph 4, Designs for Alternate Sediment Control
OSM states "inclusion of these design parameters in the Mining and Reclamation Plan is an improvement over previous requirements but it does not provide sufficient detailed and specified plans and descriptions to document that permitting requirements are met and that specific performance requirements can be achieved." The issue is one of professional judgment. Inserting meaningless rhetoric and designs in a permit does not resolve the problem. An example of this is OSM's allegation that design parameters required for sediment ponds be employed on alternate sediment control structures, when these alternate structures actually anticipate filtering water to control sediment rather than impounding water.

A review of surface water management under the Utah Coal Regulatory Program will substantiate that where practical, surface water is controlled through a designed sedimentation pond. When sediment ponds can not be employed, surface water flow is controlled via Best Technology Currently Available. The designated agency for enforcement of the Clean Water Act (CWA) in Utah the Department of Environmental Quality, Division of Water Pollution Control reviews and provides comment on the appropriateness of the alternate control measures to ensure the provisions of the CWA will be met.

Utah's Inspection Program notes maintenance problems attendant to all surface water-managing structures, and where required, issues enforcement actions.

Statements regarding a surface water management problem in the Utah Program are unfounded and inappropriate.

Page 13, Enforcement I disagree with both numbers presented by OSM, and the tone of this portion of the report regarding

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Utah's Inspection and Enforcement Program. Neither the report nor the oversight mechanism credits Utah for the enforcement actions taken. The assumption is that OSM inspectors know more about what constitutes a compliance problem in Utah than the authorized Regulatory Authority. In this case, alleged violations noted by OSM inspectors are assumed to be de facto violations, and reported as program deficiencies in the oversight report.

In November 1991, when discussing this issue, OSM alleged 33 Last State Complete Inspection (LSCI) violations, but agreed to revise the data based on a review of specific facts. On this basis, I responded on December 3, 1991, with our review of the data. After reading my review, you reduced the LSCI number from 33 to 29. I do not agree that this reduction meets the accord agreed upon in November, 1991. I responded again on March 13, 1992, documenting 12, not 29, LSCI problems. Based on that letter, you should make the requisite changes to Table 21 of the oversight report.

Page 22, Program Amendments The allegation that Utah is untimely in its resolution of regulatory amendments is inappropriate. Utah has met with OSM individually, in states meetings, and with Western Interstate Energy Board representatives in an attempt to streamline the timeliness of the program amendment process. In fact, OSM consistently fails to meet its time constraints for review and approval or disapproval of program amendments. The allegation of "slow and incomplete responses to "732" letters" should be withdrawn from this oversight document based on the arbitrary assignment of response times by OSM.

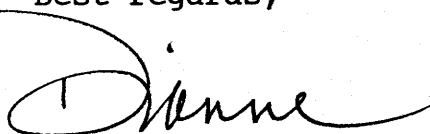
Page A-22, Table 21, Distribution of Violations by Performance Standard Please see notes under Enforcement, referencing Page 13 of the Oversight report. Table 21 does not reflect the agreement made between Hord Tipton of OSM, and Utah in the November 1991 meeting held in Salt Lake City. The Number of "alleged" violations uncited by the State (second column) should be changed from 26 to 12, based on my March 13, 1992 documentation.

I also question the viability of the third column Other Violations Observed. There is no basis for these data presented other than these 25 notices of violation were issued on oversight inspections. The state issued other violations during the year, which are not reflected in the oversight inspection data. The

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title of the table and column fail to clarify that the random sample inspections represent only a portion of the states inspection program. This category should be dropped from future oversight documents.

Best regards,

A handwritten signature in cursive script, appearing to read "Dianne", with a long horizontal flourish extending to the right.

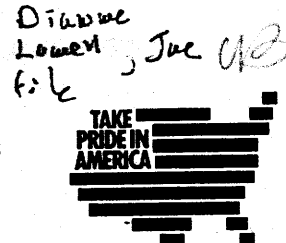
Dianne R. Nielson
Director

vb
cc: L. Braxton
ovst



United States Department of the Interior

OFFICE OF SURFACE MINING
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In Reply Refer To:

February 20, 1992

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FEB 21 1992

Dr. Dianne R. Nielson, Director
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DIVISION OF
OIL GAS & MINING

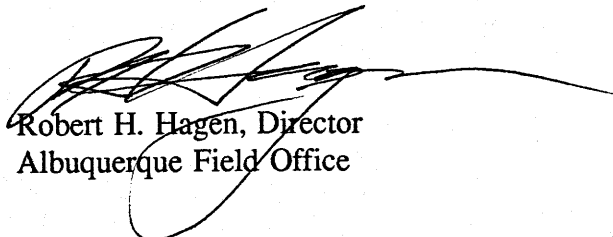
Dear Dr. Nielson:

Enclosed is the final draft of the 1991 Annual Evaluation Report (Report) for Utah. In response to your comments dated December 16, 1991, the Office of Surface Mining Reclamation and Enforcement (OSM) revised the Report where appropriate.

Please review the revised Report and provide to me any comments you may have by March 10, 1992. Your comments will be attached as an addendum to the final Report.

If there are any questions, please call Brian Smith or me at (505) 766-1486.

Sincerely,


Robert H. Hagen, Director
Albuquerque Field Office

RECEIVED

FEB 21 1992

DIVISION OF
OIL GAS & MINING

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Annual Evaluation Report

for the

Regulatory and Abandoned Mine Land Reclamation Programs

Administered by the State

of

Utah

for

Evaluation Year 1991

(July 1, 1990 through June 30, 1991)

January 1991

DRAFT February 20, 1992

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSM) in the Department of the Interior to oversee the regulation of coal exploration and surface coal mining and reclamation operations and the reclamation of lands adversely affected by past mining practices. SMCRA provides that, if certain conditions are met, a State may assume primary authority for the regulation of surface coal mining and reclamation operations and the reclamation of abandoned mine lands within its borders. Once the State has obtained such approval, OSM has the responsibility to make the investigations, evaluations and inspections necessary to determine whether the State programs are being administered and enforced in accordance with the approved program provisions.

Because it is neither possible nor necessary to fully evaluate each program element and subelement every year, OSM's Albuquerque Field Office has developed a schedule (Appendix B) specifying when each element and subelement will be reviewed during a 3-year evaluation cycle. This schedule will be revised as necessary to respond to changing conditions within Utah and concerns identified by the public or OSM oversight activities. Comments regarding the oversight process, recommendations for additional review topics, and suggestions for improvement of future reports are encouraged and should be submitted to the Director of the Albuquerque Field Office. Because of the nature of the 3-year review cycle, some findings concern State performance prior to July 1, 1990. In these cases, the greatest emphasis is accorded to the most recent State actions reviewed.

Set forth below are the summary findings of the Director of OSM's Albuquerque Field Office regarding the performance of the Utah State regulatory authority, the Division of Oil, Gas and Mining (DOGM) for the period July 1, 1990, through June 30, 1991. Detailed background information and comprehensive element-specific reports are available at the Albuquerque Field Office.

II. Overview of the Utah Coal Mining Industry

Coal is found beneath approximately 18 percent of the State, but only 4 percent is considered minable at this time. The demonstrated coal reserve base is about 6.4 billion tons, 1.3 percent of the National reserve base. Most of Utah's coal resources are held by the Federal Government and Indian Tribes.

The coal fields are divided into the Northern, Central, Eastern, and Southwestern Utah coal regions. The most productive region has been, and is, the Central Utah Coal Region which includes the Book Cliffs, Wasatch Plateau, and Emery Coal Fields. There are vast, substantially undeveloped coal fields in the Southwestern Utah coal region. Development of these fields will probably be difficult because of environmental concerns resulting from the proximity to National parks and other recreation areas.

Most coal is bituminous and is of Cretaceous Age. The BTU value is high compared to other western States. Sulfur content ranges from medium to low in the more important coal fields.

Most current operations mine seams that exceed 8 feet in thickness. All coal production is from underground mining. There are 32 permitted operations, 27 of which are currently operating (Table 2). There are 120,000 acres of land currently under permit for mining with approximately 2,300 acres disturbed. Coal production has been increasing steadily since the early 1970's, producing 22 million tons in 1990 (Table 1). Utah's coal industry employs approximately 2,500 miners.

The climate of the Central Utah Coal Region is characterized by hot, dry summers and cold, relatively moist winters. Normal precipitation varies from 6 inches in the lower valleys to more than 40 inches on some high plateaus. The growing season ranges from 5 months in some valleys to only 2-1/2 months in mountainous regions. These extreme climatic conditions make reclamation difficult.

III. Executive Summary

Previous evaluation reports have identified significant issues that impact the overall effectiveness of Utah's program. Some progress toward resolution of program issues has been made throughout the course of the 1991 evaluation period, but there are still several major issues regarding permitting, inspection and enforcement that remain unresolved, and Utah's regulatory program still needs substantial improvement. OSM and DOGM are working at a variety of levels to resolve these issues.

The significant issues relating to DOGM's permitting program involve: (1) approval of permit renewals; (2) procedures for processing permit transfers; (3) permitting haul and access roads; (4) approval of highwall as final reclamation; and (5) maintenance of the Applicant Violator System (AVS).

Except for the problems with permit renewals and AVS, these problems were identified during the previous evaluation period and were not resolved. Federal action was necessary when DOGM failed to complete permit transfers for three mines prior to allowing new owners to commence operations. Little progress was made in resolving the haul and access road issue, and OSM initiated Federal enforcement to require permitting of roads that fall within the definition of coal mining and reclamation operations. The highwall issue is being addressed through the 30 CFR Part 732 process for amending State programs to be followed by modification of permits where DOGM authorized retention of highwalls as part of final reclamation.

The most significant issue relating to inspection and enforcement is that DOGM's inspectors do not identify and cite all violations that exist during complete inspections. This has been a program issue for 5 years. During 1991, DOGM initiated an inspection and enforcement policy, committed to sending inspectors to training conducted by OSM in the West, and instituted meetings to provide guidance to inspectors regarding site and policy matters. At this time, it is premature to predict the effect these measures will have in resolving the issue.

DOGM's accomplishments during the evaluation period included resolving several minor bonding problems, conducting most of the mandated inspections, performing adequately in the issuance, modification, and termination of enforcement actions.

The Utah Board of Oil, Gas and Mining (Board) improperly vacated two enforcement actions during a formal public hearing. The enforcement actions related to highwall elimination and postmining land use. The Board also improperly reduced two mandatory civil penalties assessed for failure to abate violations. The Board's vacation of the enforcement action relating to highwall elimination is being addressed through the previously mentioned 30 CFR Part 732 process.

Since Utah's Abandoned Mine Reclamation (AMR) Program was approved, OSM awarded more than \$9,540,000 in construction funding for 32 projects. About \$8,760,000, or 92 percent has been obligated to date and 31 projects have been completed. Six noncoal projects were funded, five of which are complete. OSM also awarded DOGM more than \$4,870,000 to administer its AMR Program; over \$3,510,000, or 72 percent, has been obligated to date. OSM awarded the State \$421,732 in set-aside money to fund reclamation after 1992. DOGM submitted an application at the end of the evaluation period that requests \$638,940 to fund reclamation of three additional coal projects.

Significant AMR accomplishments during this period included completion of seven coal projects involving 175 portal and shaft closures, reclamation of 6 acres of coal refuse, efforts to abate an underground mine fire, and reclamation of about 25 acres of surface disturbance. DOGM's accomplishments also included completion of field investigations for reclamation of the 12 remaining coal projects in the State and the start of engineering work for eight of those projects. Utah continued reclamation of one noncoal project and performed partial maintenance on a former Federal project.

DOGM's volunteers as well as other State and local entities and landowners continued to assist the AMR Program to increase awareness and abate hazards. Since the volunteer program began about 3 years ago, hazards associated with 39 portals and 17 vertical shafts have been abated in addition to reclamation funded through the Abandoned Mine Reclamation Fund. These efforts combined with the cooperation of the people of Utah have been instrumental in keeping the number of reported AML-related accidents relatively low.

OSM did not note any significant problems with Utah's AMR Program during this evaluation period.

Status of Issues Identified in Previous Annual Evaluation Reports

Previously identified issues relating to permit renewals and transfers, roads, citing violations, and bond actions were discussed in the Executive Summary. The status of remaining issues identified in previous Annual Evaluation Reports is as follows:

OSM did not observe any instances during the 1991 evaluation period where DOGM orally approved changes to reclamation plans.

DOGM's transmittal of information to OSM needs further improvement. A review of mine plan revisions indicates that less than 50 percent of approved material was transmitted during EY 1991. OSM and DOGM have agreed that this problem can be resolved during EY 1992.

DOGM's timeliness in processing revisions resulting from Ten-Day Notices and Ten-Day Letters has not improved since the 1990 evaluation period.

The 1990 Annual Evaluation Report noted a problem regarding a settlement agreement to replace bonding coverage at a mine on Federal land. This problem was resolved. Another bonding concern was noted where a self-bonded company appeared to be financially vulnerable due to filing of a Chapter 11 bankruptcy action by the permittee's parent company. DOGM reviews the company's financial status reports on a quarterly basis to ensure that the permittee meets the criteria for self-bonding; therefore, OSM believes that a program implementation problem does not exist.

The improper vacation of violations by DOGM and by the Assessment Conference Officer is no longer an issue. DOGM amended its Memorandum of Understanding with the Utah Department of Health concerning enforcement of water quality effluent limitations, which resolved the issue with the terms of the MOU.

DOGM's performance in adhering to timeframes for assessing proposed civil penalties has improved significantly since the previous evaluation period; however, additional improvement is needed.

DOGM has administratively revised its informal assessment conference process so that the fact of violation is no longer reviewed during these proceedings. It has also administratively realigned authority for informal assessment conferences and informal hearings so that the Director is responsible for administrative decisions occurring in those proceedings. DOGM still allows informal reviews of enforcement actions whenever requested rather than only when mining is ceased. DOGM has committed to amend its approved program to include the procedural changes it has made administratively as well as additional changes such as burden of proof requirements. Issues surrounding the hearing and assessment conference processes should be completely resolved once the program amendments are completed.

Personnel employed by the Utah Industrial Commission who administered the Blaster Certification Program filed statements of financial interest, thereby resolving this concern.

The 1990 Annual Evaluation Report stated that Utah had promulgated a statutory change, referred to as the "kill provision," without OSM approval. OSM subsequently found this provision to be inconsistent with the Surface Mining Control and Reclamation Act of 1977. During the 1991 evaluation period, Utah amended the statute to delete this provision.

Concerns relating to the Price Field Office mine plan library were addressed by allowing Price-based inspectors to travel to Salt Lake City to review files prior to conducting complete inspections. Additional problems were noted during the 1991 evaluation period concerning maintenance of citizen complaint files in the Salt Lake City office.

A number of administrative problems related to grant applications, approvals, and reporting were previously noted. DOGM's construction grant applications improved significantly. OSM is working with DOGM to improve administration of grant applications and grant reports consistent with requirements of the Federal Assistance Manual and Office of Management and Budget circulars.

Success of State Regulatory and Abandoned Mine Land Reclamation Programs in Achieving the Purposes of SMCRA

To evaluate the overall success of Utah's regulatory program in achieving reclamation of mined lands, OSM collects data during random sample inspections with which it intends to build a data base to measure on-the-ground reclamation success (quantity, quality, and timeliness of reclamation). All of the mining operations are underground mines, many of which have been active since inception of the State program and are expected to remain active for many more years. Because the surface disturbance associated with underground mines generally changes little from the time mining begins until final reclamation operations are initiated, quantifying reclamation success through comparisons of acres disturbed, regraded, and revegetated would not provide an accurate picture of the progress of reclamation in Utah. For this reason, OSM also measures overall reclamation success through its observations during bond release inspections, observations concerning reclamation of bond forfeiture sites, and general observations through routine oversight activities.

The 1990 Annual Evaluation Report cited three specific areas where it believed improvement was needed to ensure overall reclamation success. These areas were highwall elimination, protection of surface waters, and timeliness of reclamation.

As previously discussed, backfilling and grading as it relates to highwall elimination remains a major concern.

Protection of surface waters has not reappeared as a problem to the degree that it has in the past. The 1990 Annual Evaluation Report cited specific past examples of inadequate protection of surface waters, including one site with several discharges of oil emulsion, oil and grease, and coal-fine-laden water. While on a random sample inspection during the 1991 evaluation period at this same mine site, OSM observed a coal-fine-laden discharge that bypassed the surface water diversion system. The discharge was captured by a stock watering pond before it entered the stream. DOGM cited the violation through a Notice of Violation, resulting in repair of the diversion structures that led to the discharge.

Timeliness of reclamation remains a concern, although during the 1991 evaluation period significant reclamation was accomplished at one site that was mentioned as a specific problem in the 1990 Annual Evaluation Report. Although DOGM has completed reclamation at only one of four bond forfeiture sites, its actions toward that end have been timely to date with the exception of one site where the bond was forfeited in October 1986, collected in August 1988, and the site has not yet been reclaimed. The quality of reclamation at bond forfeiture sites cannot be evaluated at this time.

Fifty-two percent of the violations observed by OSM during random sample inspections had a potential degree of impact that was moderate to considerable, as opposed to forty-eight percent that had a degree of potential impact that was only minor. Most violations observed by OSM during random sample inspections had a degree of potential impact that remained within the permit area (61 percent). OSM observed 5 instances where off-site damage resulting from violations actually occurred, and 19 instances where on-site damage resulting from violations actually occurred. In 11 (46 percent) of the instances where damage actually occurred, the violations existed at the time of the last State complete inspection but DOGM had not taken the proper action to have the violations corrected. These data indicate that the potential for environmental damage exists and the State, in some cases, is not adequately enforcing its program.

Utah's AML reclamation successfully accomplished the reclamation purposes of SMCRA.

IV. Actions Affecting Program Implementation

There were no actions occurring outside of the administration of the State regulatory and abandoned mine reclamation programs that would affect the implementation of Utah's Programs except for the previously discussed problem of the Board's vacation of enforcement actions relating to highwalls.

V. Summary Findings

A. Regulatory Program

Regulatory Program Element 1. Permitting Actions

Subelements Reviewed. (1) A.1. Processing of New Mining Permit Applications; (2) A.2. Processing of Exploration Applications; (3) A.5. Processing of Permit Renewal Applications; and (4) A.7. Maintenance of Appropriate Liability Insurance

Summary Findings. As reported in the 1990 Annual Evaluation Report, a number of the coal mines have access and haul roads that DOGM has not permitted because these roads are designated as public roads. In July 1985, a Federal Court ruled that categorical exclusion of public roads from regulation was inconsistent with SMCRA. Failure to appropriately permit roads used to facilitate mining has been handled as a programmatic issue since 1985, but at no time during this period have OSM and DOGM been able to agree on the regulatory requirements. Because of this inability to resolve the issue, OSM initiated issuance of Ten-Day Notices (TDN) and ultimately three Federal NOV's on unpermitted roads found during random sample inspections (RSI). The Federal NOV's are currently under appeal.

During the first part of EY 1991, DOGM experienced operational problems with the AVS system. During this time, a number of permitting actions were approved based on telephone communication between the OSM-AVS office and DOGM. DOGM did not adequately maintain the AVS database. During the latter half of EY 1991 DOGM's maintenance improved, but the information in the database concerning Utah permits was not complete and accurate by the close of the year. DOGM reportedly contacted other states where permittees or other related entities operated to assess compliance status, but did not adequately document these contacts. No improvidently issued permits resulted.

DOGM has not received or processed any applications for exploration over 250 tons.

Because of administrative delays in processing and inadequate applications submitted by permittees, DOGM used a variety of measures to authorize continuation of operations when it was unable to obtain and review a complete and accurate permit application package (PAP) prior to issuing the permit renewal. These included "successive renewals" when the 5-year renewal was issued on the old PAP and the renewal PAP was shelved for review at a later time; 5-year renewals stipulated to address lengthy technical deficiency letters; and a permit renewal issued on only the parts of the mine originally permitted and excluding any changes from the old PAP to the new PAP. DOGM's failure to complete the application review prior to renewing the permit, and renewal of permits where extensive deficiencies were found in the application were in conflict with the program requirement that the application be complete and accurate in order that the regulatory authority can establish that provision of any additional or revised or updated information is not necessary.

DOGM did ensure that all renewed permits had appropriate bonds and insurance and that public notice was given. Comments from other agencies have been or are being considered in the review process.

A random sample of public liability insurance forms was evaluated during this review period. With one exception, all insurance documents reviewed were current. Some forms lacked information needed to demonstrate compliance with the Utah rules, such as identity of the locations being covered, riders requiring notification of the State in the event of changes or cancellation, and information to substantiate continuous coverage under claims-made insurance. Prior to the end of the evaluation year, DOGM took the initiative to inform all permittees to submit new certificates of liability in a standard format. This effort, once successfully completed, should resolve all concerns noted.

DOGM maintains a detailed tracking system for liability insurance which facilitates the administration of this part of the State Program.

Status of Problems. As noted earlier, problems associated with permitting of access and haul roads continued into EY 1991. In addition to initiation of Federal enforcement by OSM, DOGM initiated program amendments to clarify permitting requirements; however, the amendment was not approved. Resolution of this issue carries forward into the EY 1992 evaluation year.

The timeliness of processing permit revisions resulting from TDN's was determined to be a problem in the 1989 evaluation period, with improvement occurring in the 1990 evaluation period after DOGM initiated its "Reasonable Time" policy. During this evaluation period, sixty-three percent of the revisions were handled in a timely manner. Some required revisions did not adequately address the concerns defined in the TDN/TDL's. Therefore, while the problem has diminished, it is not completely resolved.

The 1990 Annual Evaluation Report indicated that DOGM did not document the basis for its determinations that alternative sediment control measures approved during the evaluation year were the best technology currently available (BTCA). Also, DOGM did not require appropriate demonstration for small areas exempted from sedimentation control. During EY 1991, only a few small area exemptions were approved, but wide use was made of alternate sediment control areas (ASCA's). During this evaluation period, DOGM began to consistently require information from the operator for ASCA's concerning areal extent, ground configuration, and methods selected for sediment control. Inclusion of these design parameters is an improvement over previous requirements, but it does not provide sufficient detailed and specific plans and descriptions to document that permitting requirements are met and that specific performance requirements can be achieved. OSM plans to continue working on this issue and provide to DOGM additional guidance during the 1992 evaluation period.

The 1990 Annual Evaluation Report stated that DOGM had not appropriately handled two of the three permit transfers it processed during that year because it had not followed the procedures outlined in its rules. DOGM transferred four permits during the 1991 evaluation year, three of which were for the same company merger. DOGM transferred one permit properly, but did not transfer the permits for the three sites involved in the merger until OSM issued TDN's. The permit transfer problem was a procedural problem and did not involve loss of environmental control. Once procedures were initiated, these three transfers were processed properly. A Federal NOV issued for the State's failure to complete the permit transfer at one mine, prior to authorizing the new operator to begin mining, is currently under appeal before the Department of the Interior's Office of Hearings and Appeals.

Regulatory Program Element 2. Performance Bonds

Subelements Reviewed. (1) B.5. Adjustments and replacements; (2) B.6. Processing of bond release applications; (3) B.7. Forfeiture - Site reclamation.

Summary Findings. With some exceptions, DOGM processed all replacement and adjustment actions in accordance with the State Program. Some concerns existed with the validity of certain bonds in terms of whether the parties signing had authority to sign the bonds. A successor company that had not yet acquired the permit had replaced the original company's bond, resulting in a concern that the bonds were not enforceable for a time because the principal on the bond was not the permittee. This was resolved when the State completed the transfer of the permit. DOGM also strengthened the terms and conditions on its surety bond form during this evaluation period.

DOGM completed one bond release this evaluation year and initiated another. Both applications for bond release met regulatory procedural requirements, including provision of public notice and proper notification of all interested parties. OSM found one site to be inadequately reclaimed, nor does OSM agree with the amount of bond that remained after Phase I release was completed on the site.

DOGM's actions to date have been timely in reclaiming three of four bond forfeiture sites. Reclamation at one site has not been timely; the bond was forfeited in October 1986, collected in August 1988, and the site has not yet been reclaimed.

The Utah program requires that, in the event of bond forfeiture, the bond shall be used to complete the reclamation plan contained in the approved permit. Reclamation has been completed at one site where a permit was never obtained. In the absence of a permit, the site should have been reclaimed to meet all State program standards but, due to insufficient bond, it was not. Reclamation at two other sites is jeopardized due to insufficient bond. Due to the circumstances surrounding all three of these cases, DOGM was not at fault for the deficient bonds. (Because the first site was never permitted, a reclamation bond was never posted to assure compliance with program requirements. The reclamation that was accomplished was through forfeiture of a State lease bond secured prior to implementation of the approved State program. The second was a partial bond secured through an Order from the Board, and attempts to secure additional bond led to forfeiture of the existing bond. The third bond was insufficient because of activities conducted contrary to the approved plan, a condition which DOGM cited and which led to bond forfeiture.)

DOGM monitors two of the four bond forfeiture sites through inspections. Surface and ground water monitoring programs have been discontinued, although this is an important part of compliance monitoring and is required by mining and reclamation plans during the reclamation phase.

One of the sites that DOGM has not been inspecting is an exploration permit that requires inspections only as necessary. DOGM has conducted site visits at least yearly but did not file inspection reports. The other site that DOGM does not inspect has been partially reclaimed using all available funds. DOGM considers this a reclaimed site with no inspection requirements. The appropriateness of this classification by DOGM is being reviewed by OSM.

DOGM requires maintenance of sites prior to reclamation primarily to alleviate safety hazards but not to correct maintenance-type violations.

The approved State program provides for recovery from the operator of all costs of reclamation in excess of the amount forfeited. DOGM has not attempted to recover such costs, although such action may be necessary in one case where DOGM has been unable to sell the collateral property that was posted as bond.

Status of Problems. OSM has forwarded its findings to DOGM regarding bond forfeiture, and discussions of actions to be taken to secure adequate reclamation of the forfeiture sites will continue into the 1992 evaluation period. DOGM has agreed to begin filing inspection reports for the exploration site.

Concerning inadequate reclamation at the site undergoing Phase I bond release, OSM issued a TDN resulting in State enforcement action which was overturned by the Board. This is now the subject of a 30 CFR Part 732 letter because the Board's interpretation of the State rule was less effective than the Federal regulation.

OSM identified a concern during the 1990 evaluation period where a self-bonded company appeared to be financially vulnerable due to filing of Chapter 11 bankruptcy action by the permittee's parent company. Since then the mine has been sold and DOGM reviews the new company's financial status reports on a quarterly basis to ensure that the permittee meets the criteria for self-bonding. OSM remains concerned about the financial vulnerability of the company.

Regulatory Program Element 3. Inspections

Subelements Reviewed. (1) C.1. Frequency; (2) C.3. Maintenance of Inspectable Units List and Inspection Database; and (3) C.4. Citizen Complaints.

Summary Findings. DOGM conducted 222 partial and 143 complete inspections on 32 inspectable units. DOGM met the required frequency of inspection for all active and inactive minesites except four where it missed two complete inspections and two partial inspections (Tables 3 and 4). DOGM is in compliance with requirements for conducting inspections on exploration sites to ensure compliance with the State program.

DOGM adequately maintains an inspectable units list and an inspection database.

DOGM does not maintain complete citizen complaint files and does not adequately track citizen complaint activity. OSM's review of this subelement was incomplete in some specific cases because correspondence could not be located. DOGM does not always respond to the complainants within the timeframes specified in its approved program.

Status of Problems. DOGM located some, but not all, of the missing complaint documents prior to the end of the evaluation period. DOGM established a computer tracking system for complaints. OSM will review this subelement again during the 1992 evaluation period to ensure that concerns regarding filing and response times are resolved.

Regulatory Program Element 4. Enforcement

Subelements Reviewed. (1) D.1. Identification and Citation of Violations; (2) D.2. Notices of Violations and Cessation Orders; and (3) D.4. Responses to Ten-Day Notices.

Summary Findings. DOGM's performance in citing violations has been identified as a problem in every evaluation report since 1987. In response to this problem, OSM increased random sample oversight (RSI) inspections from 50 percent of the inspectable units to almost 100 percent. During 29 random sample oversight inspections, OSM observed 29 violations that it believed existed during the last State complete inspection (LSCI violations). Of these LSCI violations, DOGM had cited 3 (10 percent) and had not cited 26 (90 percent). During the RSI inspection, DOGM cited 16 of the 26 previously uncited LSCI violations, and OSM addressed 8 through TDN's (2 violations were abated during the RSI inspection).

In addition to the LSCI violations, OSM observed 21 additional violations, 5 that occurred prior to the LSCI that DOGM cited, and 16 that occurred after the LSCI. Of the 16 occurring after the LSCI, DOGM properly cited 13 during the RSI and did not cite 3.

During the 1990 evaluation period, the number of cited to uncited LSCI violations was 0 cited to 34 uncited (0 percent citation rate), compared to 3 cited and 26 uncited (10 percent citation rate) for the 1991 evaluation period. Based on this data, DOGM's performance in citing violations when unaccompanied by OSM has not improved substantially since the 1990 evaluation period.

Considering both LSCI violations and all other observed violations in EY 1990, DOGM cited 7 of 44 (16 percent) of the observed violations at the time that it should have; and in EY 1991, it cited 25 of 54 (46 percent) of the observed violations at the time that it should have. In considering this and DOGM's actions during RSI's, DOGM appears to be citing more violations when accompanied by OSM.

Because of past and recurring problems in this program area, OSM and DOGM entered into a Memorandum of Understanding (MOU) to resolve these problems. DOGM formulated an Inspection and Enforcement Policy, obtained OSM's concurrence, and distributed the policy to its inspection and enforcement personnel. DOGM included in the policy provisions for having inspectors review permit documents prior to conducting complete inspections. DOGM has also been sending personnel to OSM training courses. OSM is monitoring DOGM's implementation of the inspection and enforcement policy to evaluate whether it resolves this program concern.

OSM and DOGM addressed other enforcement concerns including DOGM's MOU with the Department of Health. OSM has informed DOGM that it must enforce effluent limitations in accordance with the enforcement process of the approved State program, and therefore, it cannot defer enforcement to the State agency responsible for enforcement of the Clean Water Act. DOGM revised the MOU regarding enforcement of water quality effluent limitations so that now it does not conflict with the State program approved pursuant to SMCRA.

Another enforcement issue relates to highwall elimination. Through a Phase I bond release inspection conducted during the 1990 evaluation period OSM became aware of highwalls that had not been completely eliminated. The Utah Board of Oil, Gas and Mining (Board) vacated two enforcement actions related to highwalls during a formal public hearing. OSM found the vacations to be improper, particularly the one relating to highwall elimination (the other involved a postmining land use change). Because of the Board's action, backfilling and grading as it relates to highwall elimination has become a major concern.

DOGM's enforcement actions appear to be issued in a timely fashion. DOGM sometimes groups dissimilar violations under a single part of an NOV rather than issuing multiple parts. OSM also found that DOGM terminated enforcement actions prior to completion of remedial actions specified in the enforcement actions. DOGM also terminated enforcement actions based on plan submittal rather than on plan approval and, where appropriate, performance of abatement measures.

OSM issued 13 Ten-Day Notices (TDN's) alleging the existence of 22 uncited violations. DOGM responded appropriately to 5 of the violations contained in the TDN's and inappropriately to 12 (5 of the TDN parts were withdrawn). OSM conducted follow-up inspections to check for abatement of the unresolved TDN's and, as a result, issued four Federal Notices of Violation citing four separate violations. Concerning the remaining unresolved TDN's, DOGM issued an NOV in one case; the violations were abated prior to reinspection in three cases; and the inappropriate findings in the remaining four cases resulted from DOGM's responses being late rather than failure to adequately address the violation; therefore, Federal enforcement was not applicable. Other than these four cases, responses to TDN's were generally timely.

OSM also issued 9 Ten-Day Letters (TDL's) alleging the existence of 12 permit defects. DOGM responded appropriately to nine of the permit defects and inappropriately to one (two TDL parts were withdrawn). Federal enforcement is pending in the case where the response was inappropriate.

A problem noted in previous evaluation reports was that DOGM improperly vacates enforcement actions. Excluding informal and formal hearings, DOGM vacated only one enforcement action during this evaluation period and it was vacated for justifiable reasons.

Status of Problems. The issue concerning the MOU with Health is resolved. OSM is monitoring DOGM's enforcement of effluent limitations. DOGM no longer vacates enforcement actions during informal assessment conferences; it has changed its procedures so that the fact of violation is no longer reviewed during these conferences, and it plans to amend its program in respect to these procedures. This issue will be considered fully resolved once program amendments are submitted and approved.

As previously discussed, OSM issued a 30 CFR Part 732 Letter which requires the State to amend its program in regard to highwall elimination to be no less effective than the Federal regulations.

Inspector training and experience should improve the procedural adequacy of enforcement actions and performance in citing violations. DOGM implemented a system for inspectors and permitting personnel to review permit status and maintenance concerns prior to conducting complete inspections. OSM will continue to monitor this program function during the 1992 evaluation period.

Regulatory Program Element 5. Civil Penalties

Subelements Reviewed. (1) E.1. Procedures

Summary Findings. This element was reviewed as a followup to concerns identified during the 1990 evaluation period where OSM found that. (1) DOGM did not adhere to the programmatic timeframes for assessing civil penalties; and (2) the informal Assessment Conference Officer (ACO) did not adequately document the reasons for his actions in the case files.

The State program requires that proposed penalties be assessed within 30 days from the date of issuance of an enforcement action. During the 1990 evaluation period, DOGM was late in assessing 30 out of 47 (64 percent) proposed penalties. Penalties were assessed an average of 40 days after issuance of the enforcement action with a range of 4 to 92 days. DOGM's performance improved during the 1991 evaluation period, when DOGM was late in assessing 16 out of 72 (22 percent) of the proposed penalties. Penalties were assessed an average of 29 days after issuance of the enforcement action with a range of 5 to 115 days.

During the 1991 evaluation period, OSM found that the ACO is adequately documenting decision rationale in the case files.

Status of Problems. DOGM has shown substantial improvement in adhering to timeframes for assessing proposed civil penalties. OSM will continue to monitor DOGM's performance in this program area during the 1992 evaluation period. The issue concerning documentation of decision rationale for informal assessment conferences is resolved.

Regulatory Program Element 6. Administrative and Judicial Review

Subelements Reviewed. (1) F.1. Review Procedures - Documentation of Decision Rationale

Summary Findings. OSM identified concerns in this program area during the 1988, 1989, and 1990 evaluation periods. During these past evaluation periods, Utah utilized the informal assessment conference process to review not only the appropriateness of the civil penalty, but also the fact of violation as it related to the validity of the enforcement action. These reviews resulted in enforcement actions being vacated, and OSM believes that most of the vacations were improper because the actions to vacate were not based on approved program rationale. OSM subsequently conducted an analysis of Utah's hearing and assessment conference processes and compared its procedures with approved State program requirements and Federal procedures and found several inconsistencies. Because of these unresolved concerns, OSM conducted a follow-up review in this program area during the 1991 evaluation period. Early in the 1991 evaluation period, DOGM committed to making procedural changes and to amending its program to resolve these concerns.

There were no vacated enforcement actions resulting from assessment conferences during this evaluation period. DOGM no longer reviews the fact of violation as it pertains to the validity of the violation during informal assessment conferences. Utah has established separate procedures for reviewing penalty assessments and for reviewing the fact of violation.

Utah administratively placed the informal hearings and informal assessment conferences under the purview of DOGM pending rulemaking to align the State program procedures to parallel the Federal procedures.

Utah provides operators with an informal hearing whenever requested, rather than when the enforcement action ceases mining. A program amendment to accommodate this procedure is pending.

During the evaluation period, DOGM held four informal hearings to review the fact of violation. Only one of the enforcement actions being reviewed required cessation of mining. As a result of these informal hearings, DOGM affirmed two enforcement actions and vacated two.

Two enforcement actions were vacated during the evaluation period, pursuant to a Board Order. Both enforcement actions were issued validly and should not have been vacated. OSM has initiated a 30 CFR Part 732 Letter in response to the Board vacation relating to retention of highwalls.

Utah's approved Program requires the assessment of a mandatory civil penalty in the amount of \$750 for each day that a violation cited under a failure-to-abate Cessation Order (FTA-CO) remains unabated. During the 1991 evaluation period, the Board reduced the mandatory penalties assessed for two FTA-CO's. This same problem was noted in the 1988 Annual Evaluation Report, at which time OSM advised the Board by letter that its ruling was not in accordance with the approved regulatory program.

Status of Problems. OSM has initiated a 30 CFR Part 732 Letter in response to the Board vacation relating to retention of highwalls. DOGM will proceed with program amendments to resolve all concerns regarding hearing and assessment conference procedures.

Regulatory Program Element 7. Designation of Lands Unsuitable for Mining

Subelements Reviewed. None

Summary Findings. This element was not selected for review during this evaluation period because there has been no recent activity. This element is scheduled for a complete review during the 1992 evaluation period.

Status of Problems. Not applicable.

Regulatory Program Element 8. Blaster Certification

Subelements Reviewed. None

Summary Findings. This element was not selected for review during this evaluation period. It was reviewed during the 1990 evaluation period and is scheduled for review again during the 1993 evaluation period.

Status of Problems. None.

Regulatory Program Element 9. Small Operator Assistance

Subelements Reviewed. (1) I.1. Application review/verification of eligibility;
(2) I.2. Contract monitoring; (3) I.3. Reimbursement Monitoring/Procedures; and
(4) I.4. Laboratory Certification

Summary Findings. The last activity under the Small Operator Assistance Program occurred during the 1988 evaluation period. OSM reviewed the program activities at that time and found no problems. During this evaluation period, OSM found that there has been no activity in this program area since the previous review during the 1988 evaluation period.

Status of Problems. None.

Regulatory Program Element 10. Program Amendments

Subelements Reviewed. (1) J.1. Notification of Program Changes; (2) J.2 Responses to Part 732 Notifications; and (3) J.3. Promulgation and Implementation of Approved Program amendments

Summary Findings. Overall, Utah has done a satisfactory job in the performance of its program maintenance responsibilities.

However, resolution of programmatic problems has been delayed by State-initiated amendments regarding regulation of access and haul roads and by slow and incomplete State responses to "732 letters" requiring revision of Utah's program exemption from highwall reclamation.

Status of Problems. OSM and DOGM are continuing discussions relating to program amendments to resolve these problems.

Regulatory Program Element 11. Program Administration

Subelements Reviewed. (1) K.1. Grants Management (2) K.2 Data Management; (3) K.4. Identification and Resolution of Conflicts of Interest

Summary Findings. All grant-related documents submitted for the regulatory program were reviewed for conditions varying from established requirements for grant financial management. OSM continues to work with the State to resolve the methodology used. The State's drawdown system was found to operate on a quarterly reimbursement basis, which substantially exceeds Federal cash management requirements. The single-audit report revealed no significant concerns with the State's accounting practices or internal control systems. Grant applications and reports were generally received on a timely basis and were found to be appropriate and acceptable. Contacts with State personnel revealed no significant concerns in grants management.

Data management is adequate in most respects. However, as noted under the element "Inspections," OSM found that DOGM does not adequately maintain files relating to citizen complaints. The 1990 Annual Evaluation Report noted that some refinement of DOGM's permit document libraries in Salt Lake City and the Price Field Office would enhance DOGM's inspection and enforcement program. During the 1991 evaluation period, DOGM initiated a procedure through its Inspection and Enforcement Policy where inspectors stationed in the Price Field Office will travel to Salt Lake City prior to conducting complete inspections to review the permit files and meet with permitting personnel to discuss current permitting activity. This should eliminate the need for establishing a complete permit library at the Price Field Office. DOGM has a logical and orderly filing system for the Salt Lake City permit library with check-out procedures. Past problems, as well as the aforementioned problems with citizen complaint filing, appear to have resulted from individual filing errors and the absence of some type of quality control system.

Utah's approved program adequately addresses prohibited financial interests and reporting requirements, and administrative systems are in place for implementing these requirements. DOGM's Director was timely in filing a statement with OSM and in submitting the annual listing of exempt and non-exempt positions. The listing indicated that one conflict of interest was reported, which was subsequently resolved. DOGM resolved a problem during this evaluation period where employees of the Utah Industrial Commission who were involved in the implementation of the Blaster Certification Program were not filing statements.

Status of Problems.

Concerning data management problems, DOGM located some, but not all, of the missing complaint documents prior to the end of the evaluation period. DOGM established a computer tracking system for complaints. DOGM also hired a person solely responsible for filing and maintaining the permit library. OSM will review this subelement again during the 1992 evaluation period to ensure that concerns regarding file maintenance are resolved.

V. Summary Findings

B. AMLR Program

AMLR Program Element 1. Project Planning

Subelements Reviewed. (1) A.1. Inventory Maintenance; and (2) A.2. Consideration of Public Comments

Summary Findings. Utah's Abandoned Mine Reclamation Program maintains current prioritized inventories of coal and noncoal hazards. OSM worked with DOGM to update 13 coal Problem Area Descriptions (PAD's) to show reclamation accomplishments and actual costs. OSM used that information to update its computerized accomplishments tracking system, to compile information for this evaluation report, and to reconcile DOGM's list of problem areas in the Abandoned Mine Land Inventory System (AMLIS). To date, Utah completed reclamation of 25 of 26 coal projects funded. OSM received updated PAD's for all but five of those completed projects since late 1989.

During this period, OSM also worked with DOGM to update or complete PAD's for 13 unfunded problem areas to be added to the AMLIS and field verified 8 of them.

DOGM continued to inventory noncoal hazards during the period. OSM obtained a partial listing that included 846 noncoal hazards.

OSM reviewed construction grant applications and files for documentation of public participation. The State conducted public meetings, contacted landowners and key officials, published notices in newspapers, distributed letters and posters, and notified local governments in its efforts to provide opportunities for public comment on proposed projects.

The subelements of "Interagency Coordination," "Consideration of Experience with Design Alternatives," "Rights of Entry," and "Lien Eligibility Determinations" were not scheduled for review this evaluation year.

Status of Problems. OSM did not identify any problems with these elements during this evaluation period. Though reviews of Interagency Coordination and Rights of Entry subelements are not summarized in this report, problems noted in the previous evaluation report concerning grant approvals and rights of entry were satisfactorily resolved.

AMLR Program Element 2. Project Construction

Subelements Reviewed. None

Summary Findings. Although OSM continually reviews this element of Utah's AMR Program, it was not scheduled for reporting during this evaluation year.

Status of Problems. No problems were identified.

AMLR Program Element 3. Program Administration

Subelements Reviewed. (1) C.1. Grants Management; (2) C.2. Data Management; and (3) C.3. Coordination with Other Agencies

Summary Findings. OSM's review of all grant-related documents revealed no conditions which appeared to vary from established financial management requirements. Utah's drawdown system operates on a quarterly reimbursement basis, which exceeds Federal cash management requirements. No significant concerns with accounting practices or internal control systems were noted in the single-audit report.

Grant applications and reports generally are received on a timely basis. Grant applications and reports are acceptable, and construction grants applications improved significantly. Administration grant applications and semiannual reports for construction and administration need to be improved, however. Property management documents were acceptable. Contacts with State personnel showed no significant concerns with grants management.

DOGM has a general system for tracking its reclamation accomplishments for public relations information. Updated PADs and semiannual grant reports provided the bulk of DOGM's AMR accomplishments information. Financial information submitted by DOGM generally was timely and appeared to be accurate. Program needs for data appear to be satisfied by administrative and financial systems.

The subelements, "Coordination with Other Agencies" and "Management and Disposal of Abandoned Mine Lands" were not scheduled for review this evaluation year.

Utah does not have a subsidence insurance program approved pursuant to SMCRA.

Status of Problems. The AMR Program's construction grant applications improved considerably over the last two evaluation periods. OSM is working with DOGM to insure that requirements of the Federal Assistant Manual and Office of Management and Budget circulars are met on administration grant applications and grants reporting. It will also facilitate reconciling Utah's Problem Area Descriptions in the Abandoned Mine Land Inventory System.

APPENDIX A

APPENDIX A: Tabular Summaries of Data Pertaining to Mining, Reclamation and Program Administration in Utah

Tables 1 - 15 present data pertinent to mining operations and the reclamation of abandoned mines within Utah. They also summarize certain actions relative to inspection, enforcement, permitting, bonding, staffing and funding. Tables 16 - 19 present selected data concerning OSM inspections and the observations made on those inspections. Unless otherwise specified, the reporting period for the data contained in all tables is the 1991 evaluation year (July 1, 1990-June 30, 1991). Additional data used by OSM in its evaluation of Utah's performance is available for review in the evaluation files maintained by the Albuquerque Field Office.

Table 1

COAL PRODUCTION (Millions of short tons)			
Calendar year	Surface mines	Underground mines	Total
1988	0	18	18
1989	0	21	21
1990	0	22	22

TABLE 2

INSPECTABLE UNITS (As of June 30, 1991)												
Coal mines and related facilities	Number and status of units								Acreage ¹ (hundreds of acres)			
	Active		In temporary cessation	In reclamation		Abandoned		Totals				
	IP	PP	PP	IP	PP	IP	PP	IP	PP	IP	PP	Total
STATE and PRIVATE LANDS												
Surface mines	—	—	—	—	—	—	—	0	0	—	—	0
Underground mines	1	18	2	—	—	1	1	2	21	570	43,970	44,540
Other facilities	—	2	—	—	—	—	—	0	2	—	516	516
Subtotals	1	20	2	0	0	1	1	2	23	570	44,486	45,056
FEDERAL LANDS												
Surface mines	—	—	—	—	—	—	—	0	0	—	—	0
Underground mines	1	16	2	—	—	—	—	1	18	1,361	73,556	74,917
Other facilities	—	2	—	—	—	—	—	0	2	—	127	127
Subtotals	1	18	2	0	0	0	0	1	20	1,361	73,683	75,044
INDIAN LANDS												
Surface mines								0	0			0
Underground mines								0	0			0
Other facilities								0	0			0
Subtotals	0	0	0	0	0	0	0	0	0	0	0	0
ALL LANDS ²												
Surface mines	—	—	—	—	—	—	—	0	0	0	0	0
Underground mines	1	22	3	—	—	1	1	2	26	1,931	117,526	119,457
Other facilities	—	4	—	—	—	—	—	0	4	0	643	643
Totals	1	26	3	0	0	1	1	2	30	1,931	118,169	120,100
Average number of permits per inspectable unit (excluding exploration sites)											1	
Average number of acres per inspectable unit (excluding exploration sites)											3,639	
Number of exploration permits on State and private lands											1	
Number of exploration notices on State and private lands											4	
Number of exploration permits on Federal lands ³											0	
Number of exploration notices on Federal lands ³											11	
IP: Initial regulatory program sites. PP: Permanent regulatory program sites.												
¹ Includes only the acreage located on the indicated type of land when a unit is located on more than one type of land.												
² Numbers of units may not equal the sum of the three preceding categories because a single inspectable unit may include lands in more than one of the preceding categories.												
³ Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management.												

TABLE 3

STATE INSPECTION ACTIVITY								
Type of inspectable unit	Number of inspectable units ¹	Number of inspections conducted		Percent of required inspections conducted ²		Inspectable units for which State met required periodic inspections		
		Complete inspections	All inspections	Complete inspections	All inspections	Complete inspections	All inspections	
COAL MINES AND FACILITIES						Number	%	Number %
Active	27	123	333	114	102	25	93	23 85
Inactive	3	14	20	117	167	3	100	3 100
Abandoned	2	6	12	100	100	2	100	2 100
Totals	32	143	365	112	101	28	88	26 81
Exploration permits ³	1	0	0	N/A	N/A	N/A		N/A
Exploration notices ³	15	5	5	N/A	N/A	N/A		N/A
<p>¹ Average for year. Includes only units for which the State has inspection responsibility; i.e., excludes units on Indian lands and, unless the State has entered into a cooperative agreement with OSM to regulate mining on such lands, units on Federal lands.</p> <p>² Calculated on a site-specific basis.</p> <p>³ Includes all valid or unreclaimed notices and permits. There is no uniform required numerical inspection frequency for coal exploration activities.</p>								

Table 4

TRENDS IN STATE INSPECTIONS AND INSPECTABLE UNITS			
	1989	1990	1991
Inspectable units for which State has jurisdiction			
Surface mines	0	0	0
Underground mines	28	26	28
Other facilities	4	4	4
Subtotals	32	30	32
Exploration permits	1	1	1
Exploration notices	12	8	*
Totals	45	39	33
State inspections conducted			
Complete	135	136	143
Partial	222	245	220
Totals	357	381	363
Percent of required periodic State inspections conducted			
Complete inspections	100	99	112
All inspections	100	100	101
Citizen complaints received	1	2	3

* The regulatory authority has been unable to provide this information.

Table 5

PERMIT APPLICATIONS RECEIVED BY STATE				
Type of application	Surface mines	Underground mines	Other facilities	Totals
New permits	0	2	0	2
Renewals	0	6	0	6
Transfers, sales and assignments of permit rights	0	4	0	4
Small operator assistance	0	0	0	0
Exploration permits	0	0	0	0
Totals	0	12	0	12

Table 6

STATE PERMITTING ACTIONS (Applications approved and authorizations to operate issued)								
Type of application	Surface mines		Underground mines		Other facilities		Totals	
	No.	Acres	No.	Acres ²	No.	Acres	No.	Acres
New permits	0	0	0	0	0	0	0	0
Renewals	0	0	9	687	0	0	9	687
Revisions (exclusive of incidental boundary revisions)	0	N/A	65	N/A	7	N/A	72	N/A
Incidental boundary revisions	0	0	0	0	0	0	0	0
Transfers, sales and assignments of permit rights	0	N/A	4	N/A	0	N/A	4	N/A
Small operator assistance	0	N/A	0	N/A	0	N/A	0	N/A
Exploration permits	0	N/A	0	N/A	0	N/A	0	N/A
Exploration notices ¹	0	N/A	8	N/A	0	N/A	8	N/A
Totals	0	0	86	687	7	0	93	687
¹ Removal of less than 250 tons of coal. State approval not required. ² Includes only the number of acres of proposed surface disturbance. N/A: Not applicable.								

Table 7

BONDS RELEASED BY STATE (Permanent program permits)		
Reclamation phase	Number of release applications approved	Acres released
I	1	6.52
II	0	0
III	0	0

Table 8

STATE BOND FORFEITURE ACTIVITY (Permanent Program Permits)			
	Sites	Dollars	Acres
Bonds forfeited as of July 1, 1990 ¹	3	\$255,380	21.5
Bonds forfeited during EY 1991	0	N/A	N/A
Forfeited bonds collected as July 1, 1990 ¹	1	34,180	2.0
Forfeited bonds collected during EY 1991	0	0	0
Forfeiture sites reclaimed during EY 1991	0	N/A ²	N/A
Forfeiture sites repermited during EY 1991	0	N/A	N/A
Forfeiture sites unreclaimed as of June 30, 1991	3	N/A	21.5
Excess reclamation costs recovered from permittee	0	N/A	N/A
Excess forfeiture proceeds returned to permittee	0	N/A	N/A
¹ Includes data only for those forfeiture sites not fully reclaimed as of this date. ² Cost of reclamation, excluding general administrative expenses.			

Table 9

STATUS OF STATE'S BOND POOL OR FORFEITURE RECLAMATION FUND (For States with alternative bonding systems)		
	July 1, 1990	June 30, 1991
Number of participating permits	N/A	N/A
Acreage of participating permits	N/A	N/A
Fund balance	N/A	N/A
Fund income	N/A	N/A
Expenditures	N/A	N/A
Funds restricted to use on a specific site (to be returned if permittee reclaims site)	N/A	N/A
Reclamation Liabilities¹		
Number of sites	N/A	N/A
Acres	N/A	N/A
Estimated cost of reclamation	N/A	N/A
Portion of estimated reclamation cost covered by site-restricted bonds	N/A	N/A
¹ Includes cost of reclaiming all sites for which the State has issued final bond forfeiture orders.		

* Utah does not have a State Bond Pool or Forfeiture Reclamation Fund.

Table 10

LANDS UNSUITABLE PETITIONS	
Petitions seeking to designate lands as unsuitable for mining	
Decisions pending as of July 1, 1990	<u>0</u>
Petitions received during EY 1991	<u>0</u>
Petitions approved during EY 1991	<u>0</u>
Petitions rejected during EY 1991	<u>0</u>
Petitions approved in part/rejected in part during EY 1991 ...	<u>0</u>
Decisions pending as of June 30, 1991	<u>0</u>
Petitions seeking to terminate previous lands unsuitable designation	
Decisions pending as of July 1, 1990	<u>0</u>
Petitions received during EY 1991	<u>0</u>
Petitions approved during EY 1991	<u>0</u>
Petitions rejected during EY 1991	<u>0</u>
Petitions approved in part/rejected in part during EY 1991 ...	<u>0</u>
Decisions pending as of June 30, 1991	<u>0</u>

Table 11

CITIZEN COMPLAINTS		
Number of complaints	State	OSM
Action pending as of July 1, 1990	0	0
Complaints received in EY 1991	3	0
Complaints referred to State	N/A	0
Complaints investigated	3	0
Responses provided to complainant	3	0
Action pending as of June 30, 1991	0	0

Table 12

ENFORCEMENT ACTIVITY				
Type of enforcement action	State		OSM	
	Number of actions	Number of violations	Number of actions	Number of violations
Notice of violation	61	77	4	4
Failure-to-abate cessation order	6	6	0	0
Imminent harm cessation order	4	4	0	0
Show cause order for pattern of violations	0	N/A	0	N/A
Permit suspension	0	N/A	0	N/A
Permit revocation	0	N/A	0	N/A

Table 13

STATE ALTERNATIVE ENFORCEMENT ACTIONS FOR FAILURE-TO-ABATE CESSATION ORDERS (FTA-COs)								
Type of alternative enforcement action	Number of alternative enforcement actions				Status of abatement action required by underlying FTA-CO ¹			
	In effect July 1, 1990	Taken in EY 1991 ²	Terminated, vacated or rescinded in EY 1991	In effect June 30, 1991	Not started	Started but abandoned	Actively underway	Completed
Injunction	0	0	0	0	0	0	0	0
Permit suspension	0	0	0	0	0	0	0	0
Permit revocation	3	0	0	3	1	2*	0	0
Individual civil penalty	0	0	0	0	0	0	0	0
Criminal penalty	0	0	0	0	0	0	0	0
Totals	3	0	0	3	1	2	0	0
FTA-COs requiring alternative enforcement ³ as of July 1, 1990, but for which action is not yet in effect: . 0								
Additional FTA-COs requiring alternative enforcement ³ during EY 1991: 0								
FTA-COs for which required alternative enforcement action was taken during EY 1991 ² : N/A								
Formerly eligible FTA-COs terminated or vacated during EY 1991: 0								
FTA-COs requiring alternative enforcement ³ as of June 30, 1991, but for which action is not yet in effect: 0								
<p>¹ Includes data for FTA-COs underlying all alternative enforcement actions in effect at any time during EY 1991, not just those in effect at the end of the year. Where a single alternative enforcement action has more than one underlying FTA-CO, all such FTA-COs are considered to be one combined FTA-CO for purposes of this column.</p> <p>² This category does not include actions which the regulatory authority has initiated or requested but which are not yet in effect.</p> <p>³ FTA-COs requiring alternative enforcement are those that remain unabated more than 30 days from the date of issuance, except in States without a 30-day cap on assessment of the mandatory daily civil penalty. In these States, this standard is discretionary rather than mandatory. The former situation applies in Utah.</p> <p>Note: An alternative enforcement action is considered to be in effect or taken even if, subsequent to initiation of a specific alternative enforcement proceeding, the parties sign a settlement agreement in lieu of completing the proceeding.</p>								

* Abatement measures performed utilizing bond forfeiture monies to eliminate safety hazards.

Table 14

OPERATION OF APPLICANT-VIOLATOR SYSTEM (AVS) IN UTAH						
AVS problem category	Problems identified by AVS during EY 1991		AVS-identified problems resolved (for problems identified prior to EY 1991)		AVS-identified problems resolved (for problems identified during EY 1991)	
	New permit applications	TSA ¹ applications	New permit applications	TSA ¹ applications	New permit applications	TSA ¹ applications
Unabated violation	0	3	0	0	0	3
Unpaid civil penalty	0	3	0	1	0	3
Unpaid AML fee or unfiled AML fee report	0	0	0	0	0	0
Bond forfeiture	0	0	0	0	0	0
Incomplete O/C information ²	0	0	0	0	0	0
					New permit applications	TSA ¹ applications
Number of applications entered into AVS by the State in EY 1991					1	4
Number of applications entered in EY 1991 for which the AVS identified problems ³ ...					0	3
Number of applications for which AVS-identified problems have been resolved (for problems identified prior to EY 1991) ³					0	1
Number of applications for which AVS-identified problems have been resolved (for problems identified during EY 1991) ³					0	3
Number of permits issued in EY 1991 with conditions requiring correction of AVS-identified problems:					0	
Number of permits (regardless of date of issuance) with conditions requiring correction of AVS-identified problems for which such conditions remain unsatisfied:						
As of July 1, 1990					1	
As of June 30, 1991					0	
Improvidently issued permits referred to the State by the OSM Field Office ⁴					0	
¹ TSA's: Transfer, sale or assignment of permit rights.						
² Incomplete disclosure of ownership and control (O/C) information, including the operator, in the application.						
³ Does not equal sum of applicable columns above because an application may have more than one type of AVS-identified problem.						
⁴ Permits meeting the criteria of 30 CFR 773.20(b) and requiring rescission or modification by the State.						

Table 15

UTAH STAFFING (Fulltime equivalents at end of evaluation year)			
Function	EY 1989	EY 1990	EY 1991
Abandoned mine land reclamation program (total)	7.00	7.00	8.75
Regulatory program (total)	25.50	18.50	21.50
Permit review	14.00	9.25	11.50
Inspection	4.00	3.75	4.00
Other (general administration, fiscal, personnel, etc.)	7.50	5.50	6.00
Interagency personnel assignments	0.00	0.00	0.00
Totals	32.50	25.50	30.25

Table 16

FUNDS GRANTED TO UTAH BY OSM (Millions of dollars)												
Type of grant	Federal funds requested by UTAH			Federal funds awarded			Total program funding ¹			Percent Federally funded		
	1989	1990	1991	1989	1990	1991	1989	1990	1991	1989	1990	1991
Administration and enforcement	1.2	1.2	1.3	1.2	1.1	1.1	1.4	1.3	1.3	84	84	85.5
Abandoned mine land reclamation ²	1.8	1.9	1.4	1.8	1.9	1.4	1.8	1.9	1.4	100	100	100
Small operator assistance	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A
Other	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A
Totals	3.00	3.10	2.70	3.00	3.00	2.50	3.20	3.20	2.70			
¹ Includes State matching funds. ² Includes administrative and construction grants, cooperative agreements and post-1992 State-set-aside funds.												

Table 17

STATUS OF AMLR FUNDS AWARDED TO UTAH (Millions of dollars)								
Year of award	Funds approved	Cumulative obligations		Funds deobligated	Cumulative outlays by activity			
		\$	%		Planning & design	Construction	Project inspection	Administration
Administrative grants								
EY 81-89	3.63	3.27	90.08	0.36	N/A	N/A	N/A	2.85
EY 90	0.60	0.24	40.00	N/A	N/A	N/A	N/A	N/A
EY 91	0.64	N/A	0.00	N/A	N/A	N/A	N/A	N/A
Subtotals	4.87	3.51	72.07	0.36	N/A	N/A	N/A	2.85
Construction grants, exclusive of State emergency and noncoal project funding								
EY 81-89	7.03	7.03	100.00	0.00	N/A	7.03	N/A	N/A
EY 90	1.74	1.73	99.43	N/A	N/A	1.73	N/A	N/A
EY 91	0.77	N/A	0.00	N/A	N/A	N/A	N/A	N/A
Subtotals	9.54	8.76	91.82	0.00	N/A	8.76	N/A	N/A
State emergency project funding								
EY 81-89	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EY 90	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EY 91	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Subtotals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Noncoal project funding								
EY 81-89	1.55	1.02	65.81	N/A	N/A	1.02	N/A	N/A
EY 90	0.00	0.00	0.00	N/A	N/A	N/A	N/A	N/A
EY 91	0.00	0.00	0.00	N/A	N/A	N/A	N/A	N/A
Subtotals	1.55	1.02	65.81	N/A	N/A	1.02	N/A	N/A
Cooperative agreements								
All EY	0.58	0.53	91.38	0.05	N/A	N/A	N/A	N/A
Totals	16.54	13.82	83.56	0.41	N/A	9.78	N/A	2.85

Table 18
AML RECLAMATION ACHIEVEMENTS

Project benefit		AML problem code	Achievements during evaluation period	Achievements since program approval
<u>Health, Safety and General Welfare Benefits</u>				
Mine portals closed *	(number)	P	149	618
Vertical shafts and openings sealed *	(number)	VO	26	147
Underground mine fires controlled	(number/acres)	GUB	1	4
Surface fires extinguished	(number/acres)	SB	6.4	37
Underground mine gas problems mitigated	(number)	GHE	10	15
Dangerous landslides stabilized	(number/acres)	DS	—	—
Structures/land protected from subsidence	(number/acres)	S	—	—
Hazardous recreational water bodies modified or removed	(number)	HWB	—	—
Dangerous impoundments modified or removed	(number)	DI	—	1
Dangerous highwalls eliminated	(linear feet)	DH	—	1925
Dangerous highwalls modified by berms or guardrails	(linear feet)	DH	—	—
Hazardous equipment and facilities removed *	(sites)	HEF	3	153
Dangerous refuse piles removed or stabilized	(number/acres)	DPE	12.4	82
Illegal trash and noncoal waste disposal sites cleaned up	(number/acres)	IRW	—	2.2
Clogged stream channels with flood potential reduced	(miles)	CS	0.7	5.6
Lands stabilized in connection with the rehabilitation of clogged stream channels	(acres)	CSL	—	—
Polluted agricultural or industrial water supplies improved	(number)	PWAI	—	1
Polluted drinking water supplies improved	(number)	PWHC	—	—
<u>Environmental and Other Benefits¹</u>				
Mine spoils and refuse piles regraded or covered and revegetated	(acres)	—	6	189
Mine spoils and degraded areas treated, stabilized and revegetated without regrading or covering	(acres)	—	—	2
Highwalls eliminated	(linear feet)	—	400	400
Clogged stream channels rehabilitated	(miles)	—	—	—
Stream water quality improved by pollution source reduction	(miles)	—	—	1.7
Stream water quality improved by chemical treatment	(miles)	—	—	—
Public facilities constructed or enhanced	(itemize)	—	—	1
Public land developed	(itemize)	—	—	—
Other (specify)	(itemize)	—	—	—
Total acreage of mine spoils, refuse piles and other degraded lands stabilized and revegetated by all projects			25.4	282
¹ Exclusive of benefits reported above. For example, "Highwalls eliminated" does not include "Dangerous highwalls eliminated".				
* Include volunteer program accomplishments.				

Table 19

OSM INSPECTIONS						
Annual random sample size (from Directive INE-20): 29						
Type of unit inspected	Type of inspection					Totals
	Random sample	Other oversight (special study)	Ten-day notice followup ¹	Enforcement action followup	Other	
Surface mines	0	0	0	0	0	0
Underground mines	25	0	4	0	2	31
Preparation plants	4	0	0	0	0	4
Other facilities	0	0	0	0	0	0
Exploration permits	0	0	0	0	0	0
Exploration notices	0	0	0	0	0	0
Totals	29	0	4	0	2	35
Active	26	0	4	0	2	32
Inactive	3	0	0	0	0	3
Abandoned	0	0	0	0	0	0
Initial program	1	0	0	0	0	1
Permanent program	28	0	4	0	2	34
¹ When State response is inappropriate and Federal inspection is necessary.						

TABLE 20

INDUSTRY COMPLIANCE (OSM random sample inspections Sites)		
Number of sites inspected..... <u>29</u>		
Number of violations per inspectable unit	Inspectable units with indicated number of violations observed by OSM¹	
	Number	Percent²
None	14	48.3
1	2	6.9
2	3	10.3
3	3	10.3
4	2	6.9
5	3	10.3
6	1	3.5
7	0	0
8	1	3.5
9	0	0
10	0	0
More than 10	0	0
¹ Does not include 1) violations resulting from permit defects or 2) violations in ten-day notices on appeal to the Deputy Director or which have not been affirmed on appeal. ² Percent of total number of sites inspected on which indicated number of violations were observed.		

Table 21

DISTRIBUTION OF VIOLATIONS¹ BY PERFORMANCE STANDARD (OSM during random sample inspection sites)			
Performance standard category	Violations present at time of last State complete inspection		Other observed violations
	Number cited by State	Number uncited by State	
Sediment Control Measures	1	7	7
Design and Certification Requirements-Sediment Control	0	3	2
Surface Water Monitoring	0	1	2
Ground Water Monitoring	0	1	1
Haul/Access Road Design and Maintenance	0	2	1
Refuse Impoundments	0	4	0
Topsoil Handling	0	3	0
Backfilling and Grading	0	0	3
Following Reclamation Schedule	0	0	1
Highwall Elimination	0	0	1
Other:			
Coal Waste Disposal	0	5	2
Mine Maps	1	0	0
Subsidence Monitoring	0	0	1
Constructing Facilities without Approval	1	0	0
Permit Transfer without Approval	0	0	1
Permit Stipulations	0	0	1
Hazardous Waste Disposal	0	0	1
Liability Insurance	0	0	1
Totals	3	26	25
¹ Does not include violations resulting from permit defects or violations in ten-day notices which either are on appeal to the Deputy Director or have not been affirmed on appeal.			
For all sites on which OSM conducted random sample inspections in Utah during EY 1991, Table 21 provides a breakdown by performance standard of the number of violations that were present at the time of the last State complete inspection (LSCI), including those previously cited by the State and no longer present at the time of the OSM inspection. It also categorizes these violations by whether they were cited or uncited by the State inspector at the time of the LSCI. In addition, the last column categorizes all other OSM-observed violations by the type of performance standard violated.			

Table 22

SERIOUSNESS OF VIOLATIONS ¹ PRESENT AT TIME OF LAST STATE COMPLETE INSPECTION (on OSM random sample inspection sites)								
NUMBER OF VIOLATIONS WITH ACTUAL OR POTENTIAL IMPACTS REMAINING WITHIN PERMIT AREA								
Probability of occurrence of event that the violated standard is designed to prevent	Degree of impact or potential impact						Totals	
	Minor		Moderate		Considerable			
	Cited ²	Uncited ³	Cited ²	Uncited ³	Cited ²	Uncited ³	Cited ²	Uncited ³
None or unlikely	—	5	—	—	—	—	0	5
Likely	—	—	1	4	1	—	2	4
Occurred	—	4	—	3	—	1	0	8
Subtotals	0	9	1	7	1	1	2	17
NUMBER OF VIOLATIONS WITH ACTUAL OR POTENTIAL IMPACTS EXTENDING OUTSIDE PERMIT AREA								
Probability of occurrence of event that the violated standard is designed to prevent	Degree of actual or potential impact						Totals	
	Minor		Moderate		Considerable			
	Cited ²	Uncited ³	Cited ²	Uncited ³	Cited ²	Uncited ³	Cited ²	Uncited ³
None or unlikely	—	1	—	—	1	—	1	1
Likely	—	2	—	—	—	—	0	2
Occurred	—	1	—	2	—	—	0	3
Subtotals	0	4	0	2	1	0	1	6
NUMBER OF ADMINISTRATIVE (RECORDKEEPING) VIOLATIONS								
	Degree of obstruction to enforcement						Totals	
	Minor		Moderate		Considerable			
	Cited ²	Uncited ³	Cited ²	Uncited ³	Cited ²	Uncited ³	Cited ²	Uncited ³
	—	3	—	0	—	—	0	3
ALL TYPES OF VIOLATIONS								
	Degree of obstruction or impact						Totals	
	Minor		Moderate		Considerable			
	Cited ⁰	Uncited ⁰	Cited ⁰	Uncited ⁰	Cited ⁰	Uncited ⁰	Cited ⁰	Uncited ⁰
TOTALS (entire table)	0	16	1	9	2	1	3	26
¹ Does not include violations resulting from permit defects or violations in ten-day notices which either are on appeal to the Deputy Director or have not been affirmed on appeal.								
² Violations cited by the State at the time of the last State complete inspection.								
³ Violations not cited by the State at the time of the last State complete inspection.								
For all sites on which OSM conducted random sample inspections in Utah during EY 1991, Table 22 summarizes the seriousness of those violations which existed at the time of the last State complete inspection (LSCI), including those violations which were previously cited by the State but no longer exist at the time of the OSM inspection. It also characterizes the seriousness of these violations according to whether they were cited by the State at the time of the LSCI.								

APPENDIX B

**APPENDIX B: OSM Schedule for Evaluating State Program Elements and Subelements
(Evaluation Years 1991-1993)**

UTAH

CYCLICAL REVIEW SCHEDULE (REGULATORY PROGRAM)

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
A. Permitting Actions				
1. Processing of new mining permit applications				
a. Administrative completeness		X		2
b. Public notice/availability/consideration of comments		X		2
c. Solicitation/consideration of comments from governmental agencies and SHPO		X		2
d. Baseline data		X		2
e. Mining and reclamation plan		X		2
(1) Access/haulroads	X	X		3
f. Subsidence control plan		X		2
g. PHC/CHIA		X		2
h. Liability insurance	X	X		2
i. Written findings/documentation/terms and conditions		X		2
j. AVS checks and permit blocking	X	X	X	1
2. Processing of exploration applications				
a. Completeness	X			2
b. Public notice/consideration of comments	X			2

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
c. Justification for tonnage removal, use or sale or exploration on lands unsuitable for mining	X			2
d. Written findings/documentation	X			2
3. Processing of notices of intent to explore		X		2
4. Processing of applications for permit revisions, transfers, sales and assignments				
a. Determination of significance (revisions only)		X		2
b. Public notice (if applicable)/ consideration of comments		X		2
c. PHC/CHIA reevaluation (revisions only)		X		2
d. Written findings/documentation		X		2
5. Processing of permit renewal applications				
a. Completeness	X			2
b. Public notice/consideration of comments	X			2
6. Conduct of midterm and other reviews required by 30 CFR 774.11		X		2
7. Maintenance of appropriate liability insurance	X			5

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
B. Performance Bonds				
1. Tracking and security systems			X	2
2. Computation and adequacy			X	2
3. Verification of bond validity/ value/lack of restrictions			X	2
4. Alternative bonding system	N/A			7
5. Adjustments and replacements	X			2
6. Processing of bond release applications				
a. Public notice/notification of interested parties/ consideration of comments	X			2
b. Documentation of adequacy of remaining bond	X			2
c. Evaluation of reclamation success	X			2
7. Forfeiture				
a. Procedures		X		2
b. Collection and litigation		X		2
c. Site reclamation		X		2

7 - Element B-4: An "Alternative Bonding System" is not part of the State's approved program.

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
C. Inspections				
1. Frequency	X	X	X	1
2. Inspection reports				
a. Completeness		X		2
b. Documentation of site conditions/violation status/ context		X		2
c. Narrative continuity with prior reports		X		2
d. Documentation of mine status		X		2
3. Maintenance of inspectable units list and inspection database	X	X	X	1
4. Citizen complaints	X	X		4
D. Enforcement				
1. Identification and citation of violations	X	X	X	3
2. Notices of violations and cessation orders				
a. Timeliness of issuance and termination	X			2
b. Appropriateness of remedial measures and abatement periods	X			2
c. Documentation of reasons for modifications, termination and vacations	X			2

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
2. Pattern of violations reviews/ show cause orders/hearings		X		2
3. Timeliness and effectiveness of alternative enforcement actions		X		2
4. Responses to ten-day notices	X	X	X	3
E. Civil Penalties				
1. Procedures		X	X	4
2. Documentation of assessments, waivers and adjustments			X	2
3. Maintenance of enforcement value				
a. Blocking of new permits if penalties unpaid			X	2
b. Collection efforts			X	2
F. Administrative and Judicial Review				
1. Review procedures				
a. Notification of rights			X	2
b. Escrowing of penalties			X	2
c. Timeliness of hearings and decisions			X	2
d. Documentation of decision rationale	X	X	X	3
2. Appeal or remediation of adverse decisions			X	2
3. Cost recovery procedures and decisions			X	2

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
G. Designation of Lands Unsuitable for Mining				
1. Processing of petitions		X		2
2. Maintenance of database and inventory system		X		2
H. Blaster Certification				
1. Training			X	2
2. Certification			X	2
3. Suspension and revocation			X	2
I. Small Operator Assistance				
1. Application review/ verification of eligibility	X			2
2. Contract monitoring	X			2
3. Reimbursement monitoring/ procedures	X			2
4. Laboratory certification	X			2
J. Program Amendments				
1. Notification of program changes	X	X	X	1
2. Responses to Part 732 notifications	X	X	X	1
3. Promulgation and implementation of approved program amendments	X	X	X	1

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
K. Program Administration				
1. Grants management				
a. Drawdowns and disbursements	X	X		2
b. Accounting procedures	X	X		2
c. Timeliness of applications and reports	X	X		2
d. Maintenance of internal controls	X	X		2
e. Audits/implementation of recommendations	X	X		2
f. Procurement and management of property and services	X	X		2
2. Data management	X	X		2
3. Coordination with other agencies			X	2
4. Identification and resolution of conflicts of interest	X			2

*Frequency codes:

- 1 - Required annual review
- 2 - Routine cyclical review
- 3 - Continuing action plan item or other problem
- 4 - Action plan follow-up (verification of tentative resolutions)
- 5 - Inspection findings/trend analysis
- 6 - Public concern
- 7 - Other

UTAH

CYCLICAL REVIEW SCHEDULE (AMLR PROGRAM)

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
A. Project Planning				
1. Inventory maintenance	X	X		2
2. Consideration of public comments	X	X		2
3. Interagency coordination			X	2
4. Consideration of experience with design alternatives			X	2
5. Rights of entry		X		2
6. Lien eligibility determinations		X		2
B. Project Construction				
1. Construction management		X		2
2. Postconstruction monitoring/ evaluation/maintenance		X		2
3. Lien recording and maintenance		X		2
4. Emergency investigations and abatement efforts	N/A	N/A	N/A	7

7 - Element B-4: Utah AML does not have an approved emergency program.

Element/subelement	Evaluation year			Basis for frequency *
	1991	1992	1993	
C. Program Administration				
1. Grants management				
a. Drawdowns and disbursements	X		X	2
b. Accounting procedures	X		X	2
c. Timeliness of applications and reports		X		2
d. Maintenance of internal controls	X		X	2
e. Audits/implementation of recommendations	X		X	2
f. Procurement and management of property and services	X		X	2
2. Data management	X		X	2
3. Coordination with other agencies	X			2
4. Management and disposal of abandoned mine lands			X	2
5. Subsidence insurance program management	N/A	N/A	N/A	7

*Frequency codes:

- 1 - Required annual review
- 2 - Routine cyclical review
- 3 - Continuing action plan item or other problem
- 4 - Action plan follow-up (verification of tentative resolutions)
- 5 - Inspection findings/trend analysis
- 6 - Public concern
- 7 - Other

7 - Element C-5: Utah AML does not have a subsidence insurance program.

APPENDIX C

APPENDIX C: State Comments on Report